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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,086	07/23/2001	Louis W. Blanco	9000/1	2887

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EXAMINER

LE, VU

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,086

Applicant(s)

BLANCO ET AL

Examiner

Vu Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-39 and 50-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-39 and 50-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 13, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive.

With respect to independent claim 34 (independent claim 37 stands and falls together), Applicant asserts that Endo (secondary reference) fails to teach or suggest a "vehicle-mounted video surveillance in which, ... indicative of an operational status of the video recording device, an an RF transmitter arranged for transmitting the RF activation signal to the wireless microphone to switch the wireless microphone into a transmit mode from a standby mode" (Remarks, p. 7). Applicant's argument is noted, however Examiner respectfully disagrees.

As previously stated of record, in Endo, audio is being recorded as well as video (see "CLAIMS" of Official Translation of JP 05-183788 A submitted by applicant). Thus, "a video recording device" as claimed is met by Endo.

3. Claims 1-33 and 40-49 have been canceled.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34, 37, 50, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohoda, US 5,012,335 in view of Endo, JP 05-183788.

The grounds for rejecting claims 34 and 37 have been established in the previous Office Action of December 16, 2004 (see paragraph 22). As stated above, Endo teaches audio recording as well as video recording (see "CLAIMS" of Official Translation of JP 05-183788 A submitted by applicant). Thus, "a video recording device" as claimed is met by Endo.

The grounds for rejecting claim 7 have been established in the previous Office Action of December 16, 2004 (see paragraph 29).

6. **Claims 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohoda, US 5,012,335 in view of Endo, JP 05-183788 as applied to claims 34 and 37 above and further in view of Grad, US 5,794,125.**

The grounds for rejection have been established in the previous Office Action of December 16, 2004 (see paragraphs 46-48).

**7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohoda, US 5,012,335 in view of Endo, JP 05-183788 as applied to claim 37 above and further in view of Roberts et al, US 4,873,711.**

The grounds for rejection have been established in the previous Office Action of December 16, 2004 (see paragraph 41).

**8. Claims 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohoda, US 5,012,335 in view of Endo, JP 05-183788 as applied to claim 34 above and further in view of Reference U (Spread Spectrum Technology and Wireless Microphone System).**

The grounds for rejection claim 34 have been established in the previous Office Action of December 16, 2004 (see paragraph 22). The grounds for rejecting claim 8 from the previous Office Action of December 16, 2004 is applicable to claim 51 (see paragraph 37). The grounds for rejecting claim 9 from the previous Office Action of December 16, 2004 is applicable to claim 52 (see paragraph 39).

### **Contact**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is (571) 272-7332. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, James Groody, can be reached on (571) 272-7950. Customer Service can

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be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'Vu Le', with a stylized, cursive-like structure.